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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,803	02/25/2004	Masato Kitagawa	F-8138	3342
28107	7590	04/18/2006	EXAMINER	
JORDAN AND HAMBURG LLP			WOLLSCHLAGER, JEFFREY MICHAEL	
122 EAST 42ND STREET			ART UNIT	PAPER NUMBER
SUITE 4000				1732
NEW YORK, NY 10168				

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/786,803	KITAGAWA, MASATO
	<b>Examiner</b>	<b>Art Unit</b>
	Jeff Wollschlager	1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 February 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-3 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 25 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/30/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Caretta et al. (WO 03/009989 A1; published February 6, 2003).

Regarding claim 1, Caretta et al. teach a continuous extruding system capable for use in a process of building a tire (page 11; lines 8-12) comprising: a) first extruder for kneading and extruding a material (page 19; line 5; Figure 1a), b) a strainer capable of removing foreign substances from a material supplied from the first extruder (page 19, lines 5-9), c) a first forming nozzle for extruding a first ribbon (page 19, line 10), d) a second extruder for kneading and extruding the material (page 19, lines 14-26), e) a gear pump for delivering the product to a second forming nozzle (page 20, lines 27-34), and f) a second forming nozzle (page 20, line 34).

Regarding claim 3, Caretta et al. teach and disclose a continuous method for producing an elastomeric composition, suitable for building a tire (page 11; lines 8-12) comprising a) kneading and extruding a supplied rubber material by means of a first extruder (page 19; line 5; Figure 1a), b) removing foreign substances from the rubber material by means of a strainer, wherein the rubber material is supplied from the first extruder (page 19, lines 5-9), c) forming a first rubber ribbon by extruding the rubber

material from a first forming nozzle (page 19, line 10), d) receiving said first rubber ribbon and kneading and extruding the rubber material by means of a second extruder (page 19, lines 14-26), e) delivering the rubber material discharged from the second extruder to a second forming nozzle by means of a gear pump (page 20, lines 27-34), and f) continuously extruding the second rubber ribbon through a second forming nozzle (page 20, line 34).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caretta et al. (WO 03/009989 A1; published February 6, 2003) in view of Elia et al. (U.S. Patent 4,892,473; issued January 9, 1990).

As to claim 2, Caretta et al. teach the rubber extruding system of claim 1 as discussed in the 102(b) rejection above, but do not explicitly disclose disposing the second continuous rubber extruder so that it supplies the rubber ribbon directly to a tire-building drum. However, Elia et al. teach that it is well known in the art of producing tires to feed the discharge of the extruder to a tire building drum (col. 1, lines 16-20). Therefore, it would have been *prima facie* obvious to one of ordinary skill in the art at the time of the claimed invention to supply the rubber ribbon produced from the second extruder, as it leaves the second forming nozzle after being pumped with the gear

Art Unit: 1732

pump, to a tire-building drum as taught by Elia et al. because Caretta et al. teach the applicability of the rubber product produced in their apparatus to the production of tires (page 11; lines 8-12). As such, the claimed invention as a whole is rendered obvious over the combined teaching of the prior art.

### ***Conclusion***

All claims are rejected.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff Wollschlager whose telephone number is 571-272-8937. The examiner can normally be reached on Monday - Thursday 7:00 - 4:45, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1732

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JW

Jeff Wollschlager  
Examiner  
Art Unit 1732

April 11, 2006



MARK EASHOO, PH.D  
PRIMARY EXAMINER

17 / Apr 106